

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 19-cr-10081-IT
)	
JOVAN VAVIC,)	
)	
Defendant)	

**SUPPLEMENTAL OPPOSITION TO DEFENDANT’S MOTION FOR
RETURN OF PASSPORT AND PRE-APPROVAL OF INTERNATIONAL TRAVEL**

The government respectfully submits this supplemental opposition to defendant Jovan Vavic’s motion to modify the conditions of his release, to address the position of Probation and attach two sets of communications between Probation and counsel for the defendant. *See* Exs. 1, 2.

The defendant’s motion seeks return of his passport from Probation during the pendency of this case so that he can travel internationally without prior approval. Dkt. 1473 ¶ 6. The motion states that Probation advised defense counsel “that the USPPPO will not take a position on Mr. Vavic’s request to modify the conditions of his pretrial release.” *Id.* ¶ 9. Perhaps there was a miscommunication, but the government respectfully submits that is not an accurate statement of Probation’s position on the defendant’s motion.

Probation in California, acknowledging that the defendant’s prior international travel had occurred without incident, advised Probation in Massachusetts: “However, [California Probation] takes the position that international travel should be approved by the Court until final disposition of his current matter. In regard to possession of his passport, [Probation] does not believe his international travel is frequent enough for the defendant to maintain total control of the document.” Ex. 2 at 1. Probation in Massachusetts advised defense counsel that it “agree[d] with the position

of our counterparts in California,” and stated that it “would not oppose a motion to allow for international travel *specific to the personal/family issues* referenced in your prior correspondence, *including pick up and return of his passport for that purpose.*” Ex. 1 at 1–2 (emphasis added). When the government, after filing its initial opposition, received these communications from Probation, Senior United States Probation Officer Andrew Kessler-Cleary advised the government that Probation’s position is that Probation should continue to control the defendant’s passport during the pendency of this case, and that the defendant—consistent with previous international travel—should continue to pick-up and return his passport on a case-by-case basis as motions for international travel are approved by the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

By: /s/ Ian J. Stearns
IAN J. STEARNS
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Date: April 26, 2023